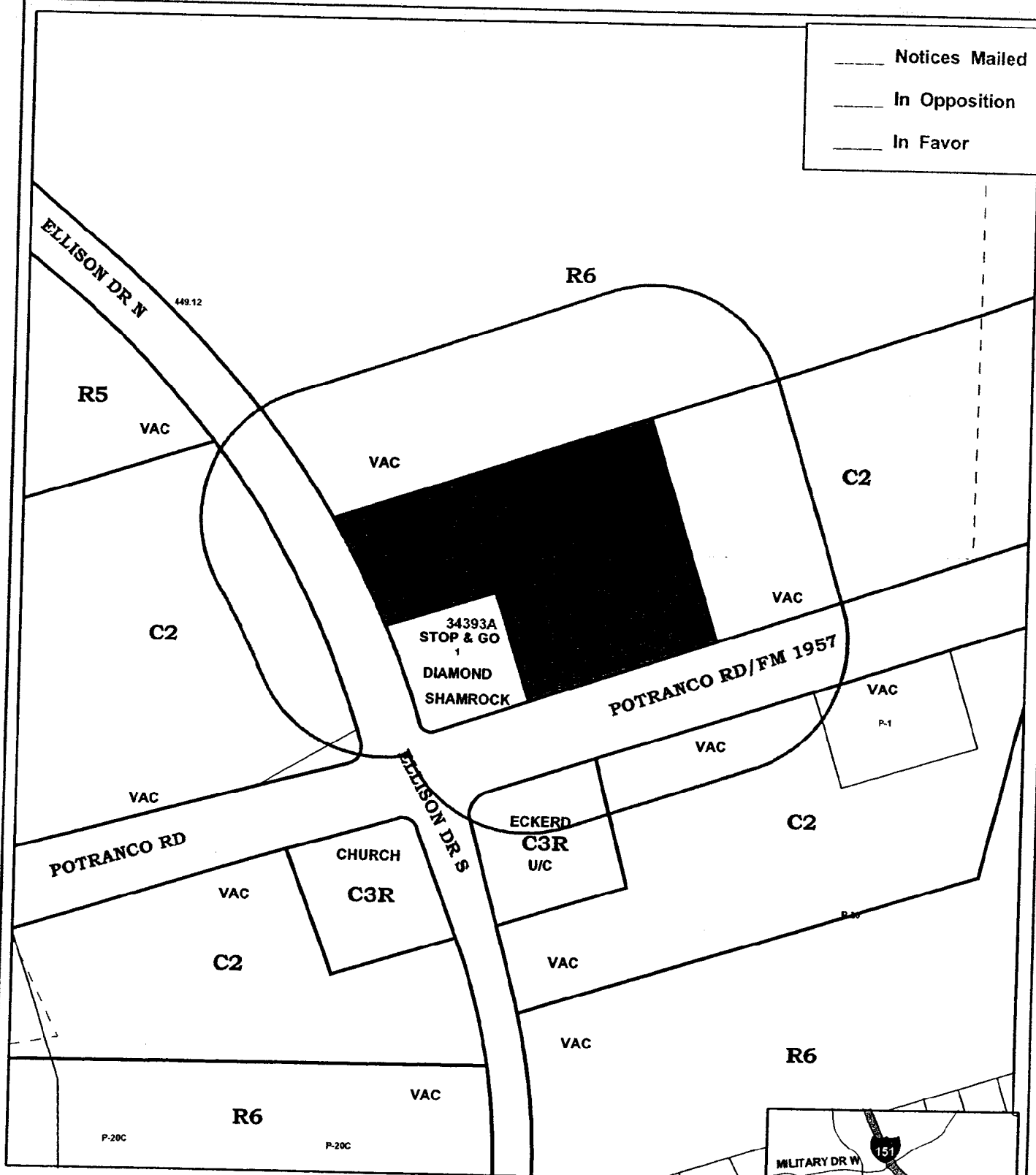


----- Notices Mailed  
 ----- In Opposition  
 ----- In Favor

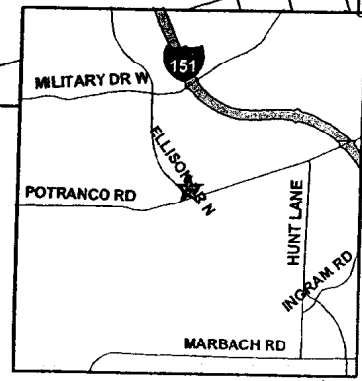


# **ZONING CASE: Z2003-124**

City Council District NO. 6  
 Requested Zoning Change  
 From: "R-6" To "C-3R"  
 Date: February 12, 2004  
 Scale: 1" = 200'

■ Subject Property  
 ○ 200' Notification

T-15  
 p.612  
 E-3



# CASE NO: Z2003124

## Staff and Zoning Commission Recommendation - City Council

Zoning Commission continuance from July 15, 2003, August 19, 2003 and postponement from October 7, 2003

**Date:** February 12, 2004

**Zoning Commission Meeting Date:** December 16, 2003

**Council District:** 6

**Ferguson Map:** 612 E3

**Appeal:** Yes

**Applicant:**

Oscar Garcia, Jr.

**Owner:**

Oscar Garcia, Jr., Trustee of The Oscar Garcia, Jr. revocable Living Trust Agreement

**Zoning Request:** From "R-6" Residential Single Family District to "C-3R" Commercial Restrictive Alcoholic Sales

Lot P-2M, NCB 34393

**Property Location:** 9865 Potranco Road

Northeast corner of Potranco Road and N. Ellison Drive

**Proposal:** To allow a car wash, retail center and office/storage complex

**Neighborhood Association:** None

**Neighborhood Plan:** None

**TIA Statement:** A traffic impact analysis is not required

### Staff Recommendation:

Approval. The property is located near the intersection of two arterials, Potranco Road and North Ray Ellison Drive. This is an appropriate location for a commercial node. "C-3 R" will permit the development of a neighborhood center adjacent to the existing service station without introducing on-site consumption of alcoholic beverages. The proposed zoning is compatible with adjacent zoning.

### Zoning Commission Recommendation:

Denial

**CASE MANAGER :** Fred Kaiser 207-7942

### VOTE

<b>FOR</b>	7
<b>AGAINST</b>	0
<b>ABSTAIN</b>	1
<b>RECUSAL</b>	0

**Z2003124**

**ZONING CASE NO. Z2003124** – July 15, 2003

Applicant: Oscar Garcia, Jr.

Zoning Request: "R-6" Residential Single Family District to "C-3R" Commercial Restrictive Alcoholic Sales.

Roger Campos, 13121 N. W. Military, representing the applicant, stated he would like to request a continuance to have more time to meet with the neighborhood association and the surrounding property owners to further discuss this request. He stated their intent is to operate a car wash, retail center and office/storage complex on the subject property.

**OPPOSE**

Nancy Engleberg, stated she would like a continuance to have more time to meet with the owner to further discuss this development.

Sherri Fowler, she would like to further discuss this proposed development with the owner. She stated there are several car wash facilities in the area.

**REBUTTAL**

Roger Campos, 13121 N. W. Military, stated the purpose of the continuance is to present their proposed development to the neighborhood association and to address their concerns.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

The motion was made by Commissioner Avila and seconded by Commissioner Cardenas-Gamez to recommend a continuance until August 19, 2003.

1. Property is located on Lot P-2M, NCB 34393 at 9865 Potranco Road.
2. There were 7 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

**Z2003124**

**AYES: Martinez, Grau, Cardenas-Gamez, Sherrill, McAden, Avila, Morell,  
Mehringer**

**NAYS: None**

**THE MOTION CARRIED.**

**ZONING CASE NO. Z2003124** – August 19, 2003

Applicant: Oscar Garcia, Jr.

Zoning Request: "R-6" Residential Single Family District to "C-3R" Commercial  
Restrictive Alcoholic Sales.

Roger Campos, representing the applicant, stated he has been working with the neighborhood association and would like to request a continuance until October 7, 2003 to further discuss the proposed car wash facility.

**OPPOSE**

Nancy Engelberg, 10486 Pine Glade, President of Heritage Neighborhood Association, stated they have been working with Mr. Campos on the proposed car wash facility and would like to request this case be continued until October 7, 2003.

Mary Lee Buettner, stated they have several car wash facilities within the area. She further stated they have been meeting with the Mr. Campos to reach an agreement.

Ted Mayo, 4238 Clear Lake Drive, stated he recently opened a car wash facility within this area and is concerned on how this may affect their business. He feels this would not be a good investment.

**REBUTTAL**

Roger Campos, stated he is willing to work with the neighborhood association to reach an agreement on this rezoning request.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**Z2003124**

**COMMISSION ACTION**

The motion was made by Commissioner Mehringer and seconded by Commissioner Cardenas-Gamez to recommend a continuance until October 7, 2003.

1. Property is located on Lot P-2M, NCB 34393 at 9865 Potranco Road.
2. There were 7 notices mailed, 0 returned in opposition and 1 in favor.
3. Staff recommends approval.

**AYES: Martinez, Cardenas-Gamez, Kissling, Dutmer, Dixon, Sherrill, Avila, Morell, Mehringer**

**NAYS: Grau**

**ABSTAIN: McAden**

**THE MOTION CARRIED.**

**ZONING CASE NO. Z2003124 – October 7, 2003**

Applicant: Oscar Garcia, Jr.

Zoning Request: "R-6" Residential Single Family District to "C-3R" Commercial Restrictive Alcoholic Sales District.

Roger Campos, 13121 N. W. Military, representing the applicant, stated on behalf of the applicant he would like to request a postponement of this case due to medical reasons.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**COMMISSION ACTION**

**THIS CASE HAS BEEN GRANTED A POSTPONEMENT.**

**ZONING CASE NO. Z2003124 – December 16, 2003**

Applicant: Oscar Garcia, Jr.

Zoning Request: "R-6" Residential Single Family District to "C-3R" Commercial Restrictive Alcoholic Sales District

**Z2003124**

Roger Campos, representing the applicant, stated they are requesting this change in zoning to allow for a car wash and retail center and office/storage complex on the subject property. He stated he would like to amend his request to "C-2" C on the north 175 feet for a office/mini-storage facility and the southern portion of P-2M 175 feet to "C-2NA" for a retail center.

### **OPPOSE**

Nancy Engelberg, Pine Glade, stated she is in support of new development and also supports retail uses however their only concern is with another car wash/mini-storage facility being development within this area. She stated there is an excessive amount of these types of businesses in the immediate area and feels another car wash/min-storage facility would ruin the appearance of this area.

Mary Lee Buttner, stated they have met numerous times with Mr. Campos to discuss this development. She stated Mr. Garcia is unsure of what may be built on this property and their only concern is with the uncertainty of what may be developed.

### **REBUTTAL**

Roger Campos, stated Mr. Garcia intend to develop a car wash at this time and would like to in the future develop a mini storage/office warehouse on the remaining portion of the property. However at this time Mr. Garcia is uncertain as to what may be developed.

Staff stated there were 7 notices mailed out to the surrounding property owners, 0 returned in opposition and 1 returned in favor and no response from Pecan Valley Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

### **COMMISSION ACTION**

The motion was made by Commissioner Peel and seconded by Commissioner Avila to recommend denial.

1. Property located on Lot P-2M, NCB 34393 at 9865 Potranco Road.
2. There were 7 notices mailed, 0 returned in opposition and 1 in favor
3. Staff recommends approval.

**Z2003124**

**AYES: Martinez, Kissling, Dutmer, Dixon, McAden, Avila, Peel**

**NAYS: None**

**ABSTAIN: Sherrill**

**THE MOTION CARRIED.**

**RESULTS OF NOTICE FOR COUNCIL HEARING**

To be provided at Council hearing.